

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SAVANNAH TIELKING,

Plaintiff,

v.

UNIFUND CCR, LLC,

Defendant.

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Case No. 15 C 6267

MEMORANDUM ORDER

This Court has just received the Judge's Copy of the Fair Debt Collection Practices Act ("Act")¹ Complaint brought by Savannah Tielking ("Tielking") against asserted debt collector Unifund CCR, LLC ("Unifund"). This sua sponte memorandum order has been triggered by a question raised by the Complaint and its attached Exhibits.

Section 1692i(a)(2)(B) requires that any legal action brought against any consumer on a debt must be filed in the judicial district "in which such consumer resides at the commencement of the action." Complaint ¶ 18 and Ex. E assert that Tielking "lived and worked in Chicago, Illinois," while the February 23, 2015 collection lawsuit brought by Unifund's lawyer against Tielking was filed in the Circuit/Superior Court of Morgan County, Indiana (Complaint ¶ 13 and Ex. C). If those allegations are accurate, it would seem clear that Tielking has advanced a viable claim under the Act.

But the Complaint in Unifund's underlying collection action (Ex. C) says this about defendant Tielking in its caption:

¹ Any citations to that statute will take the form "Section --," omitting the prefatory "15 U.S.C. §" that identifies the title under which the Act is located in the United States Code.

SAVANNAH TIELKING
4560 GROUNDS RD
MARTINSVILLE, IN 46151.²

And that meshes with Ex. D, the Chronological Case Summary from the Morgan County court that reflects personal service on Tielking at that Martinsville address on February 27, 2015, identifying her as "Female White 5' 8", 124 lbs."

If that last-referred-to information is correct, no violation of the Act can be charged against Unifund. Indeed, even if Tielking was not in fact residing in Martinsville but she was served there, Unifund's potential liability is certainly questionable. In all events some further explanation is needed, and Tielking's counsel is ordered to submit an appropriate filing to clear up the matter on or before August 5, 2015.



Milton I. Shadur
Senior United States District Judge

Date: July 22, 2015

² In that respect Complaint ¶ 2 of the underlying lawsuit reads:

Venue is proper in this District because parts of the acts and transactions occurred here and Defendants transact substantial business here.